

REMARKS

Entry of this response and reconsideration and allowance of the above-identified patent application are respectfully requested. The present amendment is filed concurrently with an RCE, and therefore entry of the present amendment is respectfully requested.

Claims 1-20 were rejected in the office action. Claims 21-31 previously have been withdrawn. Claim 1 has been amended. No claims have been canceled or added. Therefore, following entry of the present response, claims 1-20 will remain pending in the present application.

Applicant would like to thank Examiner Patel for conducting an informal telephone discussion on February 21, 2006. Although agreement as to the precise claim language was not agreed up, the discussion helped further prosecution.

Claims 1-10 and 13-20 stand rejected under 35 U.S.C. § 102 (b) as being anticipated by applicant disclosed prior art, and Figures 1 and 2 of U.S. Patent No. 6,504,357 to Hemminger *et al.* ("Hemminger"), or in the alternative under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,555,508 to Munday *et al.* ("Munday"). During the telephone discussion with the Examiner and in the "Response to Arguments" section of the office action, the examiner noted that the present embodied series relationship of the optical diode to the power supply is not distinguishable from the prior art's parallel relationship without recitation to further circuit elements. The examiner noted that reciting just two claim elements made it difficult to discern a parallel relationship from a series relationship. The office action further suggested addition of another element (*i.e.*, "metering circuit 306") to illustrate such distinction.

Applicant notes that the claims recite a "series" arrangement and that this language is sufficient to recite such a feature, regardless of the number of elements. However, in an effort to move prosecution forward, claim 1 has been amended as suggested in the office action. In particular, claim 1 has been amended to recite that a "metering circuit" that is in series with the optical diode and in parallel with the power supply. The metering circuit is recited to further provide context to the series relationship of the optical diode with the power supply. It should be appreciated that the metering circuit may be in any arrangement with

DOCKET NO.: ELSE-0826/E20030010
Application No.: 10/803,212
Office Action Dated: December 22, 2005

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

respect to the optical diode and power supply. Support for this amendment is found throughout the present specification and is not new matter.


Accordingly, applicant respectfully requests withdrawal of the rejection of claims 1-10 and 13-20 under 35 U.S.C. § 102 (b) over the applicant disclosed prior art and Figures 1 and 2 of Hemminger, and in the alternative under 35 U.S.C. § 103(a) over Munday.

Also, claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over applicant disclosed prior art and Hemminger as applied to claim 1 above, and further in view of U.S. Patent No. 4,274,082 to Litz *et al.* ("Litz"). For the same reasons discussed above with respect to claims 1-10 and 13-20, applicant respectfully requests withdrawal of claims 11 and 12 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing, applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Vincent J. Roccia at (215) 564-8946, to discuss resolution of any remaining issues.

Date: March 20, 2006



Vincent J. Roccia
Registration No. 43,887

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439